

Message Text

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ACTION OES-07

INFO OCT-01 ARA-10 ISO-00 COME-00 EB-08 L-03 CA-01
SCS-06 H-01 INR-10 DLOS-09 CG-00 DOTE-00 SS-15
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R 061857Z APR 78
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 6987
INFO AMCONSUL BELEM POUCH
AMEMBASSY MEXICO
AMEMBASSY GEORGETOWN
AMEMBASSY PARAMARIBO

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DEPT PASS COMMERCE FOR NOAA

MEXICO FOR RFA

E.O. 11652: NA
TAGS: EFIS, CPRS, BR
SUBJECT: STRICTER MEASURES AGAINST SEIZED US SHRIMP VESSELS

REF: BELEM 084 (NOTAL)

1. SUMMARY. EXPERIENCE IN CASE OF LATEST SEIZURE OF US SHRIMP VESSELS

(REFTEL AND PREVIOUS) MAKES CLEAR THAT, WITH EXPIRATION OF BILATERAL FISHING AGREEMENT, GAINING RELEASE OF IMPOUNDED VESSELS IS NO LONGER ROUTINE TRANSACTION IT ONCE WAS. FOLLOWING MESSAGE DRAFTED BY AMCONSUL BELEM. END SUMMARY.

2. FROM OUTSET OF LENGTHY DISCUSSIONS BETWEEN AMCONSUL BELEM AND LOCAL

CAPTAIN OF PORTS THAT EVENTUALLY LED TO RELEASE OF CAYENNE JULIE AND
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CAYENNE KAREN, CAPTAIN STRESSED THAT, AT INSISTENCE OF 4TH NAVAL DISTRICT COMMANDER, HE INTENDS TO STRICTLY APPLY ALL APPLICABLE LAWS AND REGULATIONS IN DETERMINING WHETHER VESSELS AND CREWS WILL BE PERMITTED TO LEAVE. IN PAST, PORT CAPTAIN HAD WAIVED HIS JURISDICTION IN SEIZURE CASES, AND VESSELS WERE RELEASED IMMEDIATELY UPON PAYMENT OF FINE.

3. VESSELS WITH BRAZILIAN CREW MEMBERS COULD BE IN FOR SPECIAL PROBLEMS. IN MOST RECENT CASE, COMPLETELY NEW CREW HAD TO BE ENGAGED FOR ONE OF TWO SEIZED VESSELS SINCE ORIGINAL BRAZILIAN CREW MEMBERS LACKED BOTH SEAMEN'S QUALIFYING PAPERS AND PASSPORTS/EXIT DOCUMENTATION REQUIRED BY GOB. THESE CREWMEN WERE TURNED OVER TO FEDERAL POLICE FOR INTERROGATION AND, ALTHOUGH EVENTUALLY CLEARED, WERE NOT ALLOWED TO LEAVE COUNTRY. IT IS CONSULATE BELEM'S UNDERSTANDING THAT MOST BRAZILIAN SEAMEN HIRED ABROAD ARE SIMILARLY UNDOCUMENTED.

4. MAIN OBSTACLE TO RELEASE OF CAYENNE JULIE AND CAYENNE KAREN, HOWEVER, WAS INITIAL INSISTENCE OF PORT CAPTAIN THAT THE CONSULATE UNDERWRITE RESPONSIBILITY OF VESSELS' OWNERS FOR ANY DAMAGE CAUSED BY BOATS WHILE IN BRAZILIAN WATERS. STRESSING THAT THIS REQUIREMENT HAD EXPLICIT BACKING OF NAVY MINISTRY IN BRASILIA, PORT CAPTAIN CONTENDED THAT, IN ABSENCE OF BILATERAL AGREEMENT, GUARANTEE FROM USG WAS GOB'S BEST ASSURANCE THAT IT WOULD COLLECT COMPENSATION FOR ANY DAMAGE CAUSED BY VESSELS OF COMPANY NOT REPRESENTED IN BRAZIL.

5. WHEN INFORMED BY PRINCIPAL OFFICER THAT CONSULATE WAS NOT PERMITTED TO ASSUME SUCH RESPONSIBILITY, PORT CAPTAIN ACCEPTED ALTERNATE ARRANGEMENT WORKED OUT BY CAPRICORN SEAFOODS PRESIDENT HOLLAND (WHO SPENT FOUR DAYS HERE NEGOTIATING RELEASE OF VESSELS). UNDER THIS SCHEME, LOCAL FISHING COMPANY ASSUMED CO-LIABILITY FOR CAPRICORN'S VESSELS. ACCORDING TO HOLTAND, HOWEVER, HE MANAGED TO GET SUCH A COMMITMENT ONLY THROUGH CONTACTS DEVELOPED DURIN SEVERAL YEARS LIMITED OFFICIAL USE

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RESIDENCE HERE. HE DOUBTED THAT ANY FIRM WOULD ACCEPT SUCH RESPONSIBILITY AS MATTER OF COURSE.

6. PORT CAPTAIN SAID THAT IN FUTURE HE WOULD CHARGE DAILY FEE FOR VESSELS DETAINED HERE. WITHOUT SPECIFYING AMOUNT, HE POINTED OUT THAT SUCH VESSELS CAUSE NAVY CONSIDERABLE EXTRA WORK AND EXPENSE. IN LATEST INSTANCE, TWO VESSELS WERE HERE 20 DAYS, RAISING POSSIBILITY THAT SIZEABLE BILL COULD BE RUN UP PRIOR TO RELEASE. LOSS TO OWNER DUE TO PROLONGED IDLENESS OF BOATS IS, OF COURSE, ALSO CONSIDERABLE, NOT TO MENTION FINE FOR ILLEGAL FISHING WHICH HAS NOW RISEN TO MORE THAN \$5400 PER VESSEL.

7. EMBASSY RECOMMENDS THAT, DRAWING ON ABOVE, STEPS BE TAKEN TO ADVISE

US COMPANIES FISHING IN NEIGHBORING WATERS OF COMPLICATIONS LIKELY TO FACE THEM SHOULD THEIR VESSELS BE SEIZED BY GOB.
JOHNSON

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